

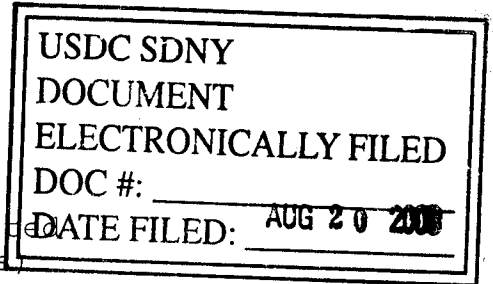
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INFORMATION
-v.- : S1 08 Cr. 411 (LTS)
IVAN COSS, :
Defendant. :

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COUNT ONE
(Conspiracy to Defraud the United
States With Respect to Claims)



The United States Attorney charges:

1. From at least in or about early January 2006 through on or about February 29, 2008, in the Southern District of New York and elsewhere, IVAN COSS, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly did agree, combine, and conspire with others and each other to defraud the United States by obtaining and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims.

OVERT ACTS

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed and caused to be committed in the Southern District of New York and elsewhere:

a. In or about 2006, IVAN COSS, the defendant, while in the Southern District of New York, caused to be filed with the Internal Revenue Service ("IRS") a false and fraudulent federal

tax return.

b. Between approximately in or about January 2007 and in or about April 2007, IVAN COSS, the defendant, while in the Southern District of New York, prepared and submitted to the IRS false and fraudulent U.S. Individual Income Tax Returns using identification information of individuals located in Puerto Rico.

c. In or about late November 2007, a co-conspirator not named as a defendant herein purchased computer software and caused such computer software to be delivered by interstate carrier to an apartment located in Manhattan, the purpose of which computer software was to file electronically with the IRS false and fraudulent income tax returns using identification information of individuals located in Puerto Rico.

d. Between approximately in or about January 2008 and on or about February 29, 2008, IVAN COSS, the defendant, while in the Eastern District of Pennsylvania, prepared and submitted to the IRS false and fraudulent U.S. Individual Income Tax Returns using identification information of individuals located in Puerto Rico.

(Title 18, United States Code, Section 286.)

COUNT TWO

(Conspiracy to Commit Mail Fraud and Wire Fraud)

The United States Attorney further charges:

3. From at least in or about early January 2007 through on or about February 29, 2008, in the Southern District of New York

and elsewhere, IVAN COSS, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341 and 1343.

4. It was a part and an object of the conspiracy that IVAN COSS, the defendant, having devised and intending to devise a scheme and artifice to defraud the taxing authorities of the State of New York and for obtaining money and property from the State of New York by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by private and commercial interstate carrier, and take and receive therefrom, such matter and thing, and knowingly would and did cause such matter and thing to be delivered by mail and by such carrier according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed, to wit, the defendant and others caused certain New York state tax refund checks to be sent through the United States mail, in violation of Title 18, United States Code, Section 1341.

5. It was further a part and an object of the

conspiracy that IVAN COSS, the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud the taxing authorities of the State of New York and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, the defendant and others electronically filed tax returns with the State of New York Department of Taxation and Finance, which returns were filed via interstate wire communications, in violation of Title 18, United States Code, Section 1343.

OVERT ACTS

6. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. Between approximately January 2007 and April 2007, IVAN COSS, the defendant, while in the Southern District of New York, prepared and submitted to the New York State Department of Taxation and Finance false and fraudulent state tax returns using identification information of individuals located in Puerto Rico.

b. In or about May 2007, a co-conspirator not named as a defendant herein submitted to the IRS an application for

an Electronic Filing Identification Number, the purpose of which was to file electronically with the New York State Department of Taxation and Finance false and fraudulent New York State income tax returns using identification information of individuals located in Puerto Rico.

c. In or about late November 2007, a co-conspirator not named as a defendant herein purchased computer software and caused such computer software to be delivered by interstate carrier to an apartment located in Manhattan, the purpose of which computer software was to file electronically with the New York State Department of Taxation and Finance false and fraudulent New York State income tax returns using identification information of individuals located in Puerto Rico.

d. On or about February 11, 2008, a co-conspirator not named as a defendant herein submitted electronically to the New York State Department of Taxation and Finance false and fraudulent New York State income tax returns that sought tax refunds.

e. Between approximately January 2008 and February 29, 2008, IVAN COSS, the defendant, while in the Eastern District of Pennsylvania, prepared and submitted to the New York State Department of Taxation and Finance false and fraudulent New York State income tax returns using identification information of individuals located in Puerto Rico.

(Title 18, United States Code, Section 1349.)

COUNT THREE

(Conspiracy to Commit Fraud in
Connection with Identification Documents)

The United States Attorney further charges:

7. From at least in or about early January 2007 through on or about February 29, 2008, in the Southern District of New York and elsewhere, IVAN COSS, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1028(a)(3).

8. It was a part and an object of the conspiracy that IVAN COSS, the defendant, unlawfully, willfully, and knowingly would and did possess with intent to use unlawfully and transfer unlawfully five and more identification documents (other than those issued lawfully for the use of the possessor), authentication features, and false identification documents, in violation of Title 18, United States Code, Section 1028(a)(3).

OVERT ACTS

9. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 12, 2007, while in the Bronx, New York, a co-conspirator not named as a defendant herein possessed with intent to use unlawfully and transfer unlawfully more than five fraudulent New York State driver's licenses.

b. Between approximately January 2008 and February 29, 2008, IVAN COSS, the defendant, prepared and submitted to the IRS and the New York State Department of Taxation and Finance false and fraudulent United States and New York State income tax returns using identification information, including names, dates of birth, and Social Security numbers, of individuals located in Puerto Rico.

(Title 18, United States Code, Sections 1028(a)(3) and (f).)

COUNT FOUR

(Aggravated Identity Theft)

The United States Attorney further charges:

10. From at least in or about early January 2007 through on or about February 29, 2008, in the Southern District of New York and elsewhere, IVAN COSS, the defendant, unlawfully, willfully, and knowingly, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, conspiracy to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Section 1349, as charged in Count Two of this Information, did transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, COSS possessed multiple New York State driver's licenses and identification cards in the names of other persons, which licenses

and identification cards were used during and in relation to the submission of fraudulent income tax returns to the Internal Revenue Service and the New York State Department of Taxation and Finance.

(Title 18, United States Code, Sections 1028A(a)(1) & 2).


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

IVAN COSS,

Defendant.

INFORMATION

S1 08 Cr. 411 (LTS)

(Title 18, United States Code,
Sections 286, 1028, 1028A,
1341, 1343, 1349.)

MICHAEL J. GARCIA
United States Attorney.
